

REMARKS

Claims 1-16 are pending. Claims 1-12 and 14-16 have been amended. Applicant appreciates the indication of allowable subject matter and has amended claims 2 and 14 as suggested by the Examiner. Claims 3-8 have been amended to depend on claim 2 and claims 11 and 15-16 have been amended to depend on claim 14.

The specification was objected to because of informalities. The Applicant has corrected the specification as suggested by the Examiner.

Claims 1, 9 and 10 stand rejected under 35 U.S.C. 102(e) as being anticipated by US 6,754,536 ("Swoyer"). Claims 3, 5, 15, and 16 stand rejected under 35 U.S.C. 103(a) as being obvious over Swoyer in view of US 5,851,227 ("Spehr"). Applicant respectfully traverses the rejection. Claim 1 is directed to a medical electrical lead including "a second elongated insulated conductor including a first portion extending within the lead body to the distal end and a second portion extending distally from the distal end of the lead body".

Swoyer discloses an implantable medical device for use in the gastrointestinal tract. The device includes "an implantable medical device (IMD) 40 comprising a hermetically sealed housing enclosing circuitry and a power source and having a first stimulation/sense electrode 44 on a surface of the housing 42" (col 8, lines 54-57). "An elongated flexible member 50 extends away from the housing 42 to a member free end 52 supporting a combined active fixation mechanism and second stimulation/sense electrode 60 adapted to penetrate the mucosa" (col 8, lines 62-65). The USPTO has interpreted the IMD and housing 40/42 has a lead body and the elongated flexible member 50 as having a distally located second portion 64. Applicant submits that "the elongated flexible member 50" is a lead body extending from IMD 40 carrying a single conductor 70 extending to the single electrode 60 carried by the elongated member flexible member 50. As such, Swoyer does not disclose a second elongated insulated conductor. A flexible member or lead body, carrying a conductor and associated electrode, extending from an IMD, as disclosed by

Swoyer, in and of itself is not new. Swoyer fails to teach or suggest, as stated in pending claim 1, "a second elongated insulated conductor including a first portion extending within the lead body to the distal end and a second portion extending distally from the distal end of the lead body". The single conductor 70 shown in Figure 2 of Swoyer, et al. merely extends within the lead body (50) to the electrode 60 and does not extend distally from the distal end (52) of the lead body (50).

The USPTO asserted certain elements were inherent to the reference but Applicants are having difficulty understanding the USPTO's position. Clarification on the USPTO's position is respectfully requested. In the meantime, Applicants assert that modified lead body 42 or second portion 64 are not necessarily configured to receive end of push member 80. Instead, these elements may be configured for lead placement. Applicants request that the Examiner review all of the language in claims 9 and 10 which clearly is not inherent to the reference. As such, the Applicant respectfully submits that the rejection is improper and should be withdrawn.

The additionally cited Spehr reference fails to remedy the deficiency relating to a second elongated insulated conductor extending distally from the distal end of the lead body. Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date

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